

emotion, and general meaning. There is much contained in human speech in terms of inflection, tone, and volume which convey a significant part of the idea intended. The invention herein contemplates transmitting to a customer narrated information in the form such things as charts accompanied with electronically transmitted voice narration, screen displays accompanied with electronically transmitted voice narration, narrated presentations consisting of features and comparisons, and narrated presentations consisting of articles and demonstrations. Such transmissions are foreign to the prior art.

The claims in the application have been rejected under 35 U.S.C. 103(a) as unpatentable over Dworkin in view of D'Agostino. With the rejection in mind claims 1 thru 5 have been rewritten to claim the invention herein with greater precision.

Admittedly a system for locating and purchasing goods and services is recited utilizing central and remote computer terminals. However here the resemblance ends. It is contended that Dworkin provides a presentation established to educate the customer. The basis for this contention is the main menu (Fig. 3). In actual fact the main menu sets forth the **choices** to be made by the customer (col 4). The user chooses (1) hardware products, (2) software products, or (3) software consultants. No mention is made of a presentation in the sales sense of the word, that is, a presentation of the type made by sales people visiting a corporation to pitch their services or products. Applicant's claims on the other hand now recite transmitting from the database at the central location graphics, audio, and data. Support for the recitations will be found on page 24, as well as on pages 18, 14, 11, and page 20.

In Dworkin, as pointed out in column 5, the system is programmed to accept inputs from the user for any and all of the product or service specifications. The system accepts a number

entered on the keyboard. Indeed, the system accepts selections from the user. In fact, with respect to Fig. 3, **Dworkin states that after selections (1), (2), and (3), “the remaining choices enable the user to perform auxiliary functions.”** It is, then, not understood how Fig. 3 can be interpreted to suggest sales presentations, of the type now claimed.

Dworkin entails a system of choices. In response to the choice made in response to the main menu, the system displays a template giving various criteria for the product or service. The user fills in one or more spaces in the template. The system then searches the database for products or services within the selected category. The system then shows information such as the manufacturers, model numbers and price ranges. The user chooses another number from the display to select a supplier and specific price. He can then order the product or service. Nowhere are presentations and demonstrations of the type now claimed suggested. Dworkin provides only that the user can receive announcements about new products or services. These are not the presentations claimed herein. As pointed out in column 7, Dworkin offers three choices after the computer determines which product the user has chosen, (1) information on suppliers of the selected product, (2) specifications concerning the product, and (3) exit. The system stores different templates for different kinds of products, but the output is always specifications or suppliers or prices. The database of Dworkin does not contain or suggest transmitting information of the type contemplated and now claimed herein.

In Dworkin the vendors are not connected to customers. A large number of suppliers is desirable, but only as sources to be included in the Dworkin database. His main menu lists selections leading to these sources. **Choices and selections--these are the thrust of Dworkin.** In response to one of the first three choices on the main menu the **system** searches the database

for information on the selected choices. The customer does not browse as now provided for in the claims, and it is not intended that he should access the database. His choices are shown in Fig.

3. The selections in the system are only "goods" or "services".

Choices and selections. These are not tantamount to allowing a customer to move through the database. Rather the database is equivalent to catalogs of individual suppliers (last few lines of column 3). This does not suggest or render obvious allowing the customer to view, with a narration, features, charts, screen displays demonstrations and presentations as now claimed.

It will be helpful, now, to consider other features now claimed but not suggested by the references such as communications or input means. Dworkin discloses a keyboard. D'Agostino discloses a telephone linkup. In Dworkin the customer enters numbers or identifiers using keystrokes (see the keystroke block in Fig. 2B). In D'Agostino the customer talks with a representative at the central terminal. Input means such as those now recited in the newly presented claims are not even remotely suggested by the references. Further, it is believed to be the law that for a valid combination of references there must some nexus, some reason or suggestion in one of the references. As applicant understands it, the only nexus for the combination relied upon herein is in the application under consideration. This is particularly true inasmuch as no input means is even wanted by D'Agostino. More than once D'Agostino states that the customer terminal does not act like a computer (col 5, line 7), and that the keyboard is hidden (col 7, line 51; col 8, line 66; col 9, line 60). The representative is in complete control. He asks the questions and transmits the responses. Why, then, would one combine this process with Dworkin? What, apart from applicant's disclosure, is the basis for the combination? It is alleged

that Dworkin provides for complaints and opinions. This provision, however, is in the nature of e-mail. The option (col 10, line9) is, in effect an electronic mailbox. In D'Agostino the customer need only watch the display screen as he would watch a television screen (col 5, line 9). To combine this reference with Dworkin, thus, cannot be supported by law.

In fairness we shall assume, for the moment, the combination to be proper. Dworkin discloses a keyboard input and D'Agostino discloses a customer's verbal response to a representative's queries. The newly presented claims recite a variety of input means not suggested by the references. Touch screen input means permit a customer to press a screen display enabling the customer's computer to access the database, Electronically converted voice input means enable the customer's computer to access the database. Keyboard input means enable the customer's computer to access the database, all of these in addition to means in the form of a phone, a microphone, or a speaker phone which enable a customer to contact a representative at the central computerized communications facility to have him enable the customer's computer to access the database. It is urged, then, that applicant's claims are allowable.

In the rejecting claim 3, now rewritten as claim 9, it is admitted on page 4 of the Office action that Dworkin differs from applicant's invention in that Dworkin does not disclose means for communicating with a number of different computerized communications facilities. The use of multiple central terminals is alleged to be an obvious modification. But no reference is cited to support it. The material in column 4 of Dworkin discloses many terminals but they are customer's terminals. Dworkin is silent in the case of multiple **central** terminals. And he shows only one CPU in the drawings. Dworkin wants information on as many suppliers as possible, but their

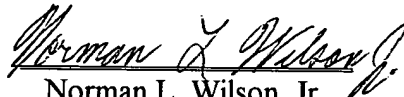
existence is only as catalogs. He states that the main CPU is connected electronically to vendors but this connection is for the transmission of orders. This is not a suggestion that additional suppliers be contacted directly as claimed, and no such additional electronic linkup is contemplated. The invention set forth in claim 9 is, therefore, not an obvious modification as alleged.

In D'Agostino the provision for other suppliers is in the software, not the hardware. Here again the combination is unfounded. If the customer desires to obtain information about another product, the operational flow moves to Block 128. D'Agostino cannot be relied on to render this aspect obvious under Section 103 of the Patent Act. In D'Agostino a verbal determination is made as to whether a customer desires to obtain information about another product or a different category of financial service. The representative enters the selection on his keyboard. At this point the routine in Fig. 7 is activated. Nowhere does this subroutine suggest transferring the customer electronically to a central facility of another company as recited in claim 9. Rather, D'Agostino in column 14 emphasizes, "It will be understood that the presentation of the product proposal will be similar regardless of the product selected, the only difference being that different options are available."

When the customer selects Banker's Prime after learning about Universal Life he is not electronically linked to Banker's Prime as would be the case within claim 9. He is asked for a set of verbal answers to queries. Once this general information has been obtained (cols 15 and 16) the representative can display premiums for Banker's Prime Plus. Claim 9 is then now obvious. Multiple central facilities are not even remotely suggested. Claim 9, then, is particularly allowable.

In summary, as emphasized on page 10 of applicant's specification, many people today are television viewers. They are not interested in reading large amounts of material. They prefer video and audio. Yet the prior art is limited generally to transmitted text and, perhaps, a few graphics. The invention herein satisfies the customer's desire to watch television-type presentations in a sales arena. The use of computerized voice is significant. Herein voice and video are provided to capture the customer's attention. The customer does not have to read text from a computer screen. Neither Dworkin nor D'Agostino suggest a system now presented in the claims. In drafting these claims the specification has been painstakingly checked to ensure that each limitation is fairly and adequately supported, much of this support being found on pages 14, 18, 20, 22, 23 and 24. These new claims, in the light of the remarks herein, are deemed allowable. Such allowance is earnestly solicited.

Respectfully submitted,


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